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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,112

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Ram Shmueli

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EXAMINER

BARBEE, MANUEL L

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,112	<b>Applicant(s)</b> SHMUELI ET AL.	
	<b>Examiner</b> MANUEL L. BARBEE	<b>Art Unit</b> 2857	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17, 18, 20, 22-24, 26, 29-37, 39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17, 18, 20, 22-24, 26, 29-37, 39 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 August 2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17, 18, 20, 22-24, 26, 29, 30, 35-37, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2002/0118112 to Lang (Lang1) in view of US Patent Application Publication 2002/0078367 to Lang et al. (Lang2), US Patent Application Publication 2005/0275396 to Kitani et al. (Kitani) and US Patent No. 6,985,078 to Suzuki et al. (Suzuki).

As per claim 17:

With regard to a measuring device for measuring at least one medical parameter of a user, Lang1 teaches sensors that wirelessly transmit health parameter measurements (Fig. 1, sensor 15, pars. 19, 20). With regard to a portable

wireless gateway, Lang1 teaches a receiver that receives the signal from the sensors and interfaces with a wireless communication unit (Fig. 1, receiver 18; par. 21). With regard to a computer with a standard port, Lang1 teaches a wireless communication unit (Fig. 1, wireless communication unit 20, par. 19). With regard to storing personal information, Lang1 teaches storing a name and a password (par. 25).

Lang1 does not teach that the portable wireless gateway stores software that a PC uses to operate the system. Lang2 teaches software on the portable device that is readily executable upon interface with the USB port (par. 27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include software and a USB interface, as taught by Lang2, because then the portable device would have been easily used with multiple computers (Lang2, par. 3).

Lang does not teach that the personal wireless gateway stores setting parameters for the measuring device. Kitani teaches storing various settings relating to measurements and external storage (pars. 19 and 84). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include storing instrument settings externally on a portable wireless gateway, because then the instrument settings would have been easily duplicated on other instruments at other locations or in the case that the another instrument was used to make the measurements.

Lang1 does not teach that the software analyzes measured data and alerts the user. Suzuki teaches alerting an user to medical conditions (col. 7, lines 43-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include alerting the user to medical conditions, as taught by Suzuki, because the user would have adequate information about the user's status (Suzuki, col. 1, lines 59-67).

As per claim 18:

With regard to a central server, Lang1 teaches a central computer (Fig. 1, central computer 60; par. 18). With regard to a computer network, Lang1 teaches a wide area network (WAN) (Fig. 1, WAN 45; par. 19).

As per claim 20:

Lang1 does not teach a portable wireless gateway connected to a Universal Serial Bus (USB) connector. Lang2 teaches a portable device that interfaces with a USB port and that is a wireless interface (pars. 24, 46, 52; Figs. 1, 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include a portable device, as taught by Lang2, because then data would have been protected when using more than one computer (Lang2, par. 3).

As per claim 22:

With regard to using the information for authentication, Lang1 teaches using information for access to a medical database (par. 25).

As per claim 23:

With regard to medical data, Lang1 teaches storing health information (par. 25).

As per claim 24:

Lang1 does not teach a portable wireless gateway that emulates a USB flash memory device. Lang2 teaches a portable device that emulates a flash disc, interfaces with a USB port and that is a wireless interface (pars. 24, 46, 52; Figs. 1, 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include a portable device, as taught by Lang2, because then data would have been protected when using more than one computer (Lang2, par. 3).

As per claim 26:

Lang1 does not teach that the portable wireless gateway stores software that a PC operates from the emulated USB flash memory disk and that the PC does not install. Lang2 teaches software on the portable device that is readily executable upon interface with the USB port (par. 27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include software and a USB interface, as taught by Lang2, because then the portable device would have been easily used with multiple computers (Lang2, par. 3).

As per claim 29:

With regard to a wearable device, Lang1 teaches a wearable sensor (par. 19).

As per claim 30:

With regard to an Internet computer network, Lang1 teaches using the Internet (par. 28).

As per claim 35:

Lang1 does not teach a USB port. Lang2 teaches a portable device that interfaces with a USB port and that is a wireless interface (pars. 24, 46, 52; Figs. 1, 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include a portable device, as taught by Lang2, because then data would have been protected when using more than one computer (Lang2, par. 3)

As per claim 36:

With regard to a measuring unit, Lang1 teaches sensors that wirelessly transmit measurements (Fig. 1, sensor 15, par. 19). With regard to a computer, Lang1 teaches a wireless communication unit (Fig. 1, wireless communication unit 20, par. 19). With regard to a wireless communication unit, Lang1 teaches a receiver that receives the signal from the sensors and interfaces with a wireless communication unit (Fig. 1, receiver 18; par. 21). With regard to an interface module, Lang 1 teaches that the receiver is connected to a wireless communication unit (Fig 1, receiver 18, communication unit 20). With regard to the portable wireless gateway becoming a part of the remote medical monitoring system, Lang1 teaches a receiver that is part of the remote monitoring and measuring (pars. 18, 19).

Lang1 does not teach that the portable wireless gateway includes a non-volatile memory and a processing unit that processes receives physiological data, as shown in claim 36. Lang2 teaches an interface with a processor and a non-volatile memory (pars 24, 46, 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include a portable device with a processor and a memory, as taught by Lang2, because then data would have been protected when using more than one computer (Lang2, par. 3).

Lang1 does not teach that the portable wireless gateway stores software that a PC uses to operate the system. Lang2 teaches software on the portable device that is readily executable upon interface with the USB port (par. 27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include software and a USB interface, as taught by Lang2, because then the portable device would have been easily used with multiple computers (Lang2, par. 3).

Lang does not teach that the personal wireless gateway stores setting parameters for the measuring device. Kitani teaches storing various settings relating to measurements and external storage (pars. 19 and 84). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include storing instrument settings externally on a portable wireless gateway, because then the instrument settings would have been easily duplicated on other instruments at

other locations or in the case that the another instrument was used to make the measurements.

Lang1 does not teach that the software analyzes measured data and alerts the user. Suzuki teaches alerting an user to medical conditions (col. 7, lines 43-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include alerting the user to medical conditions, as taught by Suzuki, because the user would have adequate information about the user's status (Suzuki, col. 1, lines 59-67).

As per claim 37:

Lang1 does not teach that the connection is a USB connection. Lang2 teaches a portable device that emulates a flash disc, interfaces with a USB port and that is a wireless interface (pars. 24, 46, 52; Figs. 1, 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include a portable device, as taught by Lang2, because then data would have been protected when using more than one computer (Lang2, par. 3).

As per claim 39:

With regard to storing personal information, as shown in claim 39, Lang1 teaches storing a name and a password (par. 25). With regard to the processing unit processing physiological measurements into medical information, Lang1 teaches health parameter measurements (par. 20).

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As per claim 40:

Lang1 does not teach storing software that will be operated by the computer for operating the remote medical monitoring system. Lang2 teaches software on the portable device that is readily executable upon interface with the USB port (par. 27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, to include software and a USB interface, as taught by Lang2, because then the portable device would have been easily used with multiple computers (Lang2, par. 3).

4. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang1 in view of Lang2, Kitani and Suzuki, as applied to claim 17 above and further in view of US Patent No. 7,001,334 to Reed et al. (Reed).

As per claim 31:

Lang1, Lang2, Kitani and Suzuki teach all the limitations of claim 17 upon which claims 31 and 32 depend. Lang1, Lang2, Kitani and Suzuki does not teach a movement sensor. Reed teaches measuring respiration (Fig 1, respiration sensor 270). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, Lang2, Kitani and Suzuki, to include measuring respiration, as taught by Reed, because then a vital sign of health would have been monitored (Reed, col. 1, lines 20-29).

As per claim 32:

Lang1, Lang2, Kitani and Suzuki teach all the limitations of claim 17 upon which claims 31 and 32 depend. Lang1, Lang2, Kitani and Suzuki does not teach a movement sensor for measuring the user's breathing. Reed teaches measuring respiration (Fig 1, respiration sensor 270). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment system, as taught by Lang1, Lang2, Kitani and Suzuki, to include measuring respiration, as taught by Reed, because then a vital sign of health would have been monitored (Reed, col. 1, lines 20-29).

5. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang1 in view of US Patent No. 5,973,603 to Judy (Judy).

As per claim 33:

Lang1, Lang2, Kitani and Suzuki teach all the limitations of claim 17 upon which claim 33 depends. Lang1, Lang2, Kitani and Suzuki do not teach a smoke detector, as shown in claim 33. Judy teaches a smoke detector (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment combination, as taught by Lang1, Lang2, Kitani and Suzuki, to include a smoke detector, as taught by Judy, because then the user would have been alerted to the presence of fire (Judy, col. 1, lines 24-29).

6. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang1 in view of US Patent No. 2,135,476 to Rugh (Rugh).

Lang1, Lang2, Kitani and Suzuki teaches all the limitations of claim 17 upon which claim 34 depends. Lang1, Lang2, Kitani and Suzuki do not teach a burglary alarm, as shown in claim 34. Rugh teaches a hold-up alarm (col. 1, lines 1-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the medical treatment combination, as taught by Lang1, Lang2, Kitani and Suzuki, to include a hold-up alarm, as taught by Rugh, because then a hold-up of the user would have been alerted to others.

### ***Response to Arguments***

7. Applicant's arguments filed 20 February 2008 have been fully considered but they are not persuasive. Applicant argues that the one of ordinary skill in the art must follow particular logic to arrive with the present invention. However, the motivation for combination is shown in the rejections recited above. Applicant argues that Lang1's receiver/transmitter 18 is incapable of "processing the received physiological data and transferring the processed physiological data to the computer" as stated in claim 36. However, Lang2 teaches an interface with a processor and a non-volatile memory (pars 24, 46, 52). And, Lang1 teaches a receiver that receives the signal from the sensors and interfaces with a wireless communication unit (Fig. 1, receiver 18; par. 21). The combination of Lang1 and Lang2 would allow processed measurements to be transmitted.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MANUEL L. BARBEE whose telephone number is (571)272-2212. The examiner can normally be reached on Monday-Friday from 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Manuel L. Barbee/  
Primary Examiner, Art Unit 2857

mlb  
November 17, 2008